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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,535	05/16/2001	Karel van den Berg	8553/215	9769

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EXAMINER

PIASCIK, SUSAN L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,535

Applicant(s)

BERG ET AL.

Examiner

Susan L Piascik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 22-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 22-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

PETER M. POON
SUPERVISORY PATENT EXAMINER
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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 22 is objected to because of the following informalities:

- On line 2 of the claim, the word “said” should be placed before “animal feed.”
- The wording of the claim is confusing. For example, in lines 6 and 7 the applicant states “displacing means for selectively displacing said so detached part of said animal feed.” The language should be more concise. Please clarify.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 22-23, 26-31, 36-37, 39-41 and 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by van der Lely ('833).

In regards to **claim 1**, van der Lely discloses an implement for automatically detaching and displacing an amount of feed from a stock of feed (7). The implement is provided with a robot arm (49) with a detaching member (48) which is suitable for detaching a part of the feed from the stock (7) and displacing it to a predetermined place and depositing it there.

Regarding **claim 2**, van der Lely, an implement characterized in that the detaching member (48) comprises a gripping element.

In regards to **claim 22**, van der Lely, teaches an apparatus for automatically detaching and displacing feed for animals which comprises a container (7) for the animal feed, an animal feed stand (unnumbered) for receiving the animal feed from the container and accommodations (10) for the animal to consume the animal feed. A robot arm (49) is constructed and arranged to move the animal feed from the container (7) to the animal feed stand (unnumbered). The robot arm (49) comprises a detaching means (48) for detaching part of the animal feed in the container (7) and displacing means for selectively displacing the detached part of the animal feed into the animal feed stand (unnumbered).

Regarding **claim 23**, van der Lely, an apparatus wherein the detaching means (48) comprises a gripping element.

In regards to **claim 26**, van der Lely discloses an apparatus wherein the detaching means (48) comprising closure means.

Regarding **claim 27**, van der Lely teaches an apparatus wherein the robot arm (49) comprises cleaning means (14) for cleaning the detaching means (48).

In regards to **claim 28**, van der Lely teaches an apparatus wherein the robot arm (49) comprises brushing means (34) for brushing substances from the detaching means (48).

Regarding **claim 29**, van der Lely teaches an apparatus wherein the cleaning means (14) comprises a sweeping element (unnumbered – see column 4, lines 30-35).

In regards to **claim 30**, van der Lely teaches an apparatus wherein the brushing means (34) comprises a sweeping element (unnumbered – see column 4, lines 30-35).

Regarding **claim 31**, van der Lely teaches an apparatus which comprises metering means that provides that the part of the animal feed comprises a predetermined measured-out portion of animal feed which is detached by the detaching means. See column 5, lines 30-37.

In regards to **claim 36**, van der Lely teaches an apparatus wherein the feed stand comprises a trough (4).

Regarding **claim 37**, van der Lely teaches an apparatus in which the animal feed consists essentially of at least one of the following components: solid composites, a concentrate, silage, hay, fodder, a liquid including water or any mixture of the foregoing.

In regards to **claim 39**, van der Lely teaches an apparatus wherein the robot arm (49) is disposed above the animal's feed stand.

Regarding **claim 40**, van der Lely teaches an apparatus wherein the robot arm (49) is disposed above the container (7).

In regards to **claim 41**, van der Lely teaches an apparatus wherein the robot arm (49) is disposed above the animal's feed stand and the container (7).

Regarding **claim 43**, van der Lely teaches an apparatus wherein the detaching means (48) performs at least one function consisting of the following functions: the function of moving above the bottom of the container (7) or the function of moving along the bottom of the container (7) or the function of moving into the animal feed stand or any combination of these functions.

In regards to **claim 44**, van der Lely teaches an apparatus which is supported on a floor wherein said robot arm (49) is movable above the floor.

Regarding **claim 45**, van der Lely teaches an apparatus which comprises a rail (17) which is disposed over the floor wherein the robot arm (49) is movable along the rail (17).

In regards to **claim 46**, van der Lely, discloses an apparatus which comprises a transport vehicle (24) which is movable between the container (7) and the animal feed stand, wherein the transport vehicle (24) cooperates with the robot arm (49).

Regarding **claim 47**, van der Lely, discloses an apparatus which comprises a rail (17) and a transport vehicle (24) movable along the rail (17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely ('833) in view of Wilman.

In regards to **claim 24**, van der Lely discloses the claimed invention except for specifying the detaching means comprising a bucket. However, as shown in the Wilman reference, it is well known in the art of material handling to use a bucket structure to pick up material for transporting. Therefore, it would have been obvious to one having ordinary skill in the art at the

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time of the invention to modify the apparatus disclosed by van der Lely, to incorporate a bucket as a detaching means, to ensure that the feed is completely contained while in transport.

In regards to **claim 25**, van der Lely discloses the claimed invention except for specifying the detaching means comprising a shovel. However, as shown in the Wilman reference, it is well known in the art of material handling to use a shovel structure (See Figure 4I) to pick up material for transporting. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus disclosed by van der Lely, to incorporate a bucket as a detaching means, to ensure that the feed is completely contained while in transport.

Claims 32-33, 37, 42 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely ('833) in view of Beaudoin et al.

In regards to **claims 32 and 33**, van der Lely discloses the claimed invention except for specifying a weighing means for the dispatched animal feed. However, Beaudoin et al. teach an automated feeder system having a weighing means (41). Therefore, it would have been obvious to one having ordinary skill in the art to modify the apparatus of van der Lely, to include a weighing tool, as shown by Beaudoin et al., so that an exact amount of feed can be distributed to the animals. Further, it would have been obvious to place the weighing means on the robot arm of van der Lely, since it has already been shown that the robot arm houses the detachment means. Therefore, the weight measurement would need to be made when the feed is picked up by the robot arm and prior to the distribution into the trough. Rearrangement of the parts of an invention involves routine skill in the art.

Regarding **claim 37**, van der Lely discloses the claimed invention except for specifying an additional container of feed. However, Beaudoin et al. teach an automated feeder having two separate containers (21, 21') having different components of feed. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of van der Lely, to include additional feed containers, as shown by Beaudoin et al., so that varieties of feed may be given to the animals.

In regards to **claim 42**, van der Lely discloses the claimed invention except for specifying a chute to discharge the feed. However, Beaudoin et al. teach an automated feeder a conveyor belt leading to a chute (69, 69') in order to distribute the feed into the trough (71, 71'). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of van der Lely, to include a chute, as shown by Beaudoin et al., as an alternative distribution method.

Regarding **claim 48**, van der Lely teaches an apparatus for automatically detaching and displacing animal feed for consumption by animals comprising a plurality of troughs (4) for receiving animal feed from a container (7). A robot arm (49) is constructed and arranged to move the animal feed from the containers to at least one the troughs (4). The robot arm comprises detaching means (48) for detaching a portion of the animal feed from the container and displacing means for selectively displacing a portion of the feed into the trough (4). The detaching means (48) essentially consists of a gripping element or a bucket or a shovel. Van der

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Lely fails to teach a plurality of feed containers. However, Beaudoin et al. teach an automated feeder having two separate containers (21, 21') having different components of feed. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of van der Lely, to include additional feed containers, as shown by Beaudoin et al., so that varieties of feed may be given to the animals.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely ('833) in view of Fox.

In regards to **claims 34 and 35**, van der Lely discloses the claimed invention except for specifying an animal identification means in the immediate vicinity of the trough. However, Fox teaches an automated feeder system having an animal identification system (42). Therefore, it would have been obvious to one having ordinary skill in the art to modify the apparatus of van der Lely, to include an animal identification means, as shown by Fox, so that the proper amount and correct mixture of feed is dispatched from the displacement means. Further, it would have been obvious to one having ordinary skill in the art to place the ID system on the robot arm since it has been held that rearranging parts of an invention requires only routine skill in the art. Also, since it has already been shown that the robot arm houses the detachment means, it is crucial for the ID means to be located on the arm, so that information can be gathered and transmitted before the feed is displaced into the trough.

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Citation of Relevant Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to automatic animal feeders:

U.S. Pat. No. 4,180,136 to Jones
U.S. Pat. No. 4,337,729 to Peppler et al.
U.S. Pat. No. 4,949,675 to Parks
U.S. Pat. No. 5,069,165 to Rousseau
U.S. Pat. No. 5,778,820 to van der Lely
U.S. Pat. No. 5,816,192 to van der Lely
U.S. Pat. No. 5,950,562 to Schulte et al.
U.S. Pat. Publication No. 2001/0029897 to Swetzig

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan L Piascik whose telephone number is (703)305-0299. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703)308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-7687.

slp
August 25, 2002



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